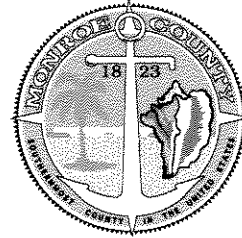


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MEMORANDUM
MONROE COUNTY PLANNING DEPARTMENT
We strive to be caring, professional and fair

STAFF REPORT



TO: Planning Commission

THRU: Aref Joulani, Director of Planning & Environmental Resources

FROM: Richard Jones, Senior Marine Planner

DATE: June 8, 2007

RE: AMENDMENTS TO THE MONROE COUNTY
COMPREHENSIVE PLAN TO REVISE SECTIONS OF THE
FUTURE LAND USE AND CONSERVATION AND COASTAL
MANAGEMENT ELEMENTS REGARDING RECREATIONAL
AND COMMERCIAL WORKING WATERFRONTS

MEETING DATE: June 27, 2007

Petitioner: The amendment is sponsored by the Monroe County Department of Marine Resources.

I. PROPOSED REVISIONS:

The changes to the Monroe County 2010 Comprehensive Plan represent the culmination of a two-phase study of the state of the County's recreational and commercial working waterfronts and the development of strategies to help strengthen and preserve this critical sector of the County's economy and character. The County is experiencing the loss of recreational and commercial working waterfront and the loss of public access to the water due to the redevelopment of marine facilities, including, but not limited to marinas, boatyards, wet and dry storage, fish houses and commercial fishing vessel dockage. This amendment proposes changes to sections of the Comprehensive Plan, specifically the Future Land Use, Conservation and Coastal Management Elements, to help preserve and strengthen the County's recreational and commercial working waterfronts.

1 **A. Characteristics of the proposed amendment.**

2 The amendment defines the policy framework related to working waterfronts,
3 including definitions of terms, standards for preservation, including incentives
4 and bonuses, and allows for flexibility in the reestablishment of nonconforming
5 uses and the reconstruction of nonconforming structures.
6

7 **II. BACKGROUND:**

8
9 On July 20, 2005 the Board of County Commissioners adopted Ordinance No. 017-2005
10 deferring the acceptance of development applications for the redevelopment and
11 conversion of marine facilities until land development regulations which protect the
12 working waterfront are drafted.
13

14 Ordinance No. 17-2005 directed staff to enter into an interlocal agreement with the
15 South Florida Regional Planning Council to prepare a *Marine Management Strategic*
16 *Plan*.
17

18 The Board of County Commissioners adopted the *Marine Management Strategic Plan*
19 on March 15, 2006.
20

21 On September 30, 2006, the Board of County Commissioners directed staff to enter into
22 an interlocal agreement with the South Florida Regional Planning Council to develop
23 implementation strategies for the *Marine Management Strategic Plan* including a
24 Working Waterfronts Preservation Master Plan, Marina Siting Plan, Comprehensive
25 Plan Amendments and supporting Land Development Regulations, and a database of
26 marine-related facilities.
27

28 On April 3, 2007 the Board of County Commissioners held a workshop to discuss draft
29 amendments to the Comprehensive Plan and Land Development Regulations designed
30 to preserve working waterfronts. The Board requested staff to move forward with the
31 draft amendments.
32

33 On May 21, 2007 the Board of County Commissioners adopted Volume II of the Stock
34 Island/Key Haven Livable CommuniKeys Master Plan which recommends preservation
35 of the working waterfronts and public access.
36

37 **III. SUPPORT DATA AND ANALYSIS:**

38
39 **A. Proposed Changes to the Comprehensive Plan Future Land Use Element.**
40

- 41 1. **Policy 101.4.5:** The purpose of the amendment is to maintain and
42 enhance the commercial fishing activities within the Mixed
43 Use/Commercial land use category. The language added maintains the
44 objective of preserving commercial fishing activities and supports the
45 direction the BOCC is taking in protecting the working waterfront and

community character. Commercial fishing is an important economic engine in Monroe County, which is among the top 10 nationally in terms of fishing landings. Data compiled by the University of Florida for the Bureau of Economic and Business Research shows that for 2004, the total quantity of landings added up to 14,694,007 lbs. House Bill 955 (Chapter 2005-157, Laws of Florida) created the Florida Waterway and Waterfront Improvement Act of 2005. This act amends Chapter 163, Part II, of the Comprehensive Planning and Land Development Regulation Act. Section 163.3177, F.S. to require Comprehensive Plans of coastal counties, such as Monroe County, to adopt strategies and incorporate in the Comprehensive Plan regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts, including public access.

2. **Policy 101.4.6:** The purpose of the text amendment is to ensure the development of employee and workforce housing within the Mixed Use/Commercial Fishing land use category. The land use allows for residential but the additional text clarifies the types of residential units to be built within the Mixed Use/Commercial Fishing land use category. The text revision supports the BOCC commitment to the provision of affordable housing, which supports the commercial fishing industry by ensuring that workers within the industry have affordable housing. Additional text amendments to this policy clarify that sport fishing, charter boats, and all water dependent and water related uses are highly encouraged within the Mixed Use/Commercial Fishing land use category.
3. **Policy 101.4.7:** The purpose of the text amendment is to clarify the purpose of the Maritime Industries land use district within the Industrial future land use category. The purpose statement has been included in the comprehensive plan to clarify that the MI land use district's main purpose is to establish and conserve areas for maritime uses, including employee housing.

B. Proposed Changes to the Comprehensive Plan Conservation and Coastal Management Element.

1. **New Goal 219, the Preservation of Community Character and Preservation of Working Waterfronts:** The purpose of the new goal is to establish that the preservation of community character and working waterfronts is a desired goal of the BOCC and is in keeping with the passage of House Bill 955 (Chapter 2005-157, Laws of Florida), the Florida Waterway and Waterfront Improvement Act of 2005. This act amends Chapter 163, Part II, of the Comprehensive Planning and Land Development Regulation Act. Section 163.3177, F.S., requires Comprehensive Plans of coastal counties, such as Monroe County, to adopt strategies and incorporate in the Comprehensive Plan regulatory

incentives and criteria that encourage the preservation of recreational and commercial working waterfronts, including public access. Commercial fishing activities and tourism play a substantial role in the County's economy. A study conducted in the mid-1990s revealed that the Keys then served as host to approximately three million visitors per year who spent roughly \$1.2 billion. In addition, the data showed that \$50- to \$70- million per year were realized from combined catches of spiny lobster, stone crab, and scale fish.

2. **New Objective 219.1 on the Preservation of Community Character and Preservation of the Working Waterfront:** The new objective lays out specific measures that the BOCC will take to meet the goal of preserving community character and working waterfronts. Policies established under the new objective shall protect the waterfront from further non-water dependent uses and the privatization of waterfront that reduces public access to the water. Strategies include, but are not limited to, the expansion and redevelopment of current marinas, the creation of flexible land use regulations pertaining to the working waterfront, intergovernmental coordination, and the establishment of preservation policies.
3. **New Policy 219.1.1:** Monroe County has been experiencing the loss and redevelopment of waterfront marine facilities and their associated businesses and employment. Current trends are conversion of waterfront marine facilities and their associated businesses to non-water dependent uses and privatization of waterfronts, reducing public water access. A growing population and rising property values along the coast further drive the trend to convert marinas and waterfront properties into residential units. As pointed out in the data and analysis (see B.1. above) of the Conservation and Coastal Element, the County is heavily reliant on commercial fishing activities and tourism to support its economy. Losing waterfront land to private developers could have a devastating effect on the commercial and recreational waterfront resulting in a future downturn in the County's economy.
4. **New Policy 219.1.2:** The purpose of the new policy is to lay out comprehensive strategies to protect the waterfront from further privatization through partnerships with the State and County municipalities to revitalize, enhance, and protect the waterfront. The County will also explore the possibility of purchasing land or development rights along the waterfront in order to preserve the waterfront for the community and commercial and recreational activities.
5. **New Policy 219.1.3:** In keeping with the goal of maintaining public access to navigable waterways, this policy states that the County will not vacate or diminish publicly owned pathways and ends of roads.

6. **Policy 212.4:** The objective has been changed to reflect the need to refer to the Marina Siting Plan in the development, redevelopment, and expansion of new marinas within unincorporated Monroe County. The objective also states the importance of locating marinas in areas where the maximum physical advantages exist and where no environmental impacts are likely.
7. **Policy 212.4.1:** This policy is being removed upon the adoption of the Marina Siting Plan and completion of the marine facilities survey.
8. **Policy 212.4.2:** This policy is being removed upon the completion of marine facilities survey.
9. **Policy 212.4.3:** This policy is being removed upon adoption of the Marina Siting Plan. The Marina Siting Plan will be referred to for criteria in the development, redevelopment, or expansion of marinas within unincorporated Monroe County.
10. **Policy 212.4.4:** Language has been added referencing the Marina Siting Plan criteria for building, expanding, and redeveloping new marinas within unincorporated Monroe County.
11. **Policy 212.4.6:** This policy is being removed. Development of new marinas may take place provided that criteria specified in the Marina Siting Plan has been met and the necessary permits from all applicable state and federal regulatory agencies have been obtained.
12. **Policy 212.4.7:** Additional language has been added to ensure that anyone expanding or redeveloping existing marinas obtain all necessary permits from all applicable state and federal regulatory agencies.
13. **Policy 213.1.2:** As part of the definition contained within the Waterway Improvement Act, F.S. Sec. 342.07 (2005), a recreational and commercial working waterfront is:

"A parcel or parcels of real property that provide access for water-dependent commercial activities or provide access for the public to the navigable waters of the state. Recreational and commercial working waterfronts require direct access to or a location on, over, or adjacent to a navigable body of water...."

New language has been added stating the BOCC goal of ensuring adequate public access. In carrying out this goal, the County has committed to completing a Public Access Plan. The County has retained

1 SFRPC and CUES to prepare a Marina Siting Plan and within the plan,
2 current public access points shall be identified. Upon accurately
3 identifying current public access points, the BOCC will need to assess the
4 community's needs for public access to the waterfront and complete the
5 Public Access Plan.
6

7 **C. Consistency with the Comprehensive Plan.**
8

9 The proposed amendments to the Comprehensive Plan further the following
10 policy direction provided within the 2010 Comprehensive Plan:
11

12 1. Goal 212 of the Comprehensive Plan directs the County to prioritize
13 shoreline land uses and establish criteria for shoreline development in
14 order to preserve and enhance coastal resources and to ensure the
15 continued economic viability of the County.
16

17 2. Goal 213 of the Comprehensive Plan directs the County to ensure
18 adequate public access to the beach or shoreline.
19

20 3. Objective 502.1 of the Comprehensive Plan directs the County to
21 promote the preservation and enhancement of existing ports and port
22 related activities.
23

24 **D. Public Welfare Issues.**
25

26 Monroe County's recreational and commercial working waterfronts provide
27 practical, logistical, and economic benefit to the public and to the County's
28 economy and character. The amendment promotes public welfare by meeting
29 the goal of preserving community character and working waterfronts. Policies
30 established under the new objective shall protect the waterfront from further non-
31 water dependent uses and the privatization of waterfront that reduces public
32 access to the water. Strategies include, but are not limited to, the expansion and
33 redevelopment of current marinas, the creation of flexible land use regulations
34 pertaining to the working waterfront, intergovernmental coordination, and the
35 establishment of preservation policy.
36

37 **E. Benefits to Property Owners:**
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39 The amendments will enable affected property owners to preserve the uses
40 associated with the recreational and commercial working waterfront by making it
41 possible to develop additional income producing uses and/or increase the
42 intensity of use to maintain economic viability.
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- 1 **IV. CONCLUSIONS:**
2
3 1. The proposed amendment is internally consistent with the Comprehensive
4 Plan.
5
6 2. The proposed amendment is in the interest of public welfare.
7
- 8 **V. RECOMMENDATION:**
9
10 **Staff recommends approval.**